

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kouichi TSUJI et al.

Application No.: 08/913,315

Filed: September 12, 1997

For: HUMAN LUNG ADENOCARCINOMA-
RELATED MONOCLONAL ANTI-
BODY AND ANTIGEN AND
IMMUNOASSAY METHOD WHICH
USES THE SAME



Group Art Unit: 1642

Examiner: J. E. Reeves, Ph.D.

SUBMISSION OF VERIFIED STATEMENT
PURSUANT TO M.P.E.P. §1.804(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Further to the Response filed February 16, 1999, submitted herewith is an executed "Verified Statement Pursuant to M.P.E.P. §1.804(b) in connection with the above-identified

This Statement clearly establishes that the deposited hybridomas correspond to those disclosed in the as-filed application disclosure.

It is believed that this application is now in condition for allowance. A Notice to that effect is respectfully submitted. However, if any issues remain outstanding after

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consideration of this filing, the Examiner is respectfully requested to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Robin L. Teskin

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Date: February 26, 1999

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Kouichi TSUJI et al.)
Application No.: 08/913,315)
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AND ANTIGEN AND IMMUNOASSAY)
METHOD WHICH USES THE SAME)

Group Art Unit: 1642
Examiner: J. Reeves



VERIFIED STATEMENT PURSUANT TO M.P.E.P. §1.804(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Kouichi TSUJI, declare and state that:

1. I reside at c/o Terumo Kabushiki Kaisha, 1500,
Inokuchi, Nakai-machi, Ashigarakami-gun, Kanagawa, Japan

2. I have been employed by Terumo Kabushiki Kaisha
since 1985, and my title is Research Specialist.

3. The hybridomas identified in the above-
identified application as hybridoma cell strain TRD-L1,
TRD-L2, and TRD-L3 which are obtained by fusion of a
mouse myeloma cell and a spleen cell of a mouse

mortalized with a human lung adenocarcinoma cell secretion component are the same hybridomas which were deposited with the National Institute of Bioscience and Human Technology, Agency of Industrial Science and Technology, Higashi 1-1-3, Tsukuba-shi, Ibaraki, Japan, on April 6, 1995, and respectively have been accorded deposit numbers FERM P-14878 (this deposit is then transferred to the international deposit based on Budapest Treaty on February 8, 1996 FERMBP-5383), FERM P-14879, and FERM P-14880.

4. The undersigned further avers that one of the deposit was made according to the Budapest Treaty and that, should the deposited hybridomas become non-viable, a replacement or supplemental deposit will be made according to the requirements set forth in §1.804(b).

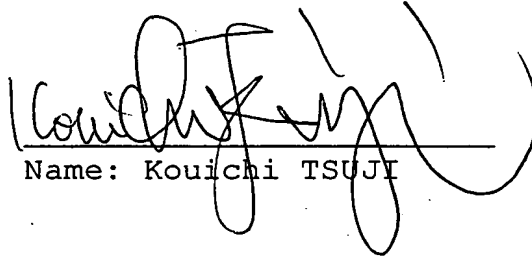
5. The undersigned further avers that all restrictions as to the availability of these deposited hybridomas will be irreversibly removed upon grant of a patent to this application, or any subsequent application which claims benefit of priority to this application under 35 U.S.C. §120.

6. I hereby declare that all statements made herein

of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

February 18, 1999

(Date)

A handwritten signature in black ink, appearing to read 'Kouichi TSUJI', is written over a horizontal line.

Name: Kouichi TSUJI

Title: Research Specialist